-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS,** WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

(1) A letter requesting <u>not</u> to have a first-action interview, or

(2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

Disposition of Claims

3)☒ Claim(s) *12* is/are pending in the application.

    3a) Of the above claim(s) _____ is/are withdrawn from consideration.

4)☐ Claim(s) _____ is/are allowed.

5)☒ Claim(s) *12* is/are rejected.

6)☐ Claim(s) _____ is/are objected to.

7)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

8)☐ The specification is objected to by the Examiner.

9)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

10)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

11)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

Contact Information

    Examiner's Telephone Number: (571)272-3912

    Examiner's Typical Work Schedule: Mon-Thur, 7:00-5:00

    Supervisor's Name: Tonia Dollinger

    Supervisor's Telephone Number: 571-272-4170

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413) Paper No(s)/Mail Date *03/03/2009* .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Notification of Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	12	A,B,C	103(a)	'A' teaches everything, (col. 7, lines 5 - 17 & line 44 - col. 8, line 31 et seq.), except if an earlier measurement exists for the code and a new measurement is different, marking the earlier measurement as...

Expanded Discussion/Commentary		
1		Changed and adding the new measurement to a list, if an.... to prevent multiple measurements for entries of the same code from being stored.
1		'B' teaches if an earlier measurement exists and a new measurement is the same... same code from being stored, (col. 2, line 37 - col. 3, line 17). It would have been obvious to one skilled in the art to only save information that has changed since this would free up processing time and prevent duplicaiton of data that is un-needed.
1		'C' teaches if an earlier measurement exists for the code and a new measurement is different, marking the earlier measurement as changed and adding the new measurement to a list, (col. 7, line 65-col. 8, line 12, col. 11, line 51 - col. 12, line 55, setting as old is same as marking as changed.). It would have been obvious to one skilled in the art to add new values to a measurement database so one can monitor abnormalities or changes in the system, cont'.
1		.. to determine if anything is wrong in the system.

DATE: 3/11/2009	/David E. England/ Examiner, Art Unit 2443	